**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (LODGING) NO.452 OF 2007

Smt.Kusum Shejwadkar .. Petitioner.
Vs.
1.The Maharashtra Housing
and Area Development
Authority (MHADA) & Ors. .. Respondents.

Ms.Sarita Dande i/b H.S.Anand for the petitioner.
Mr.S.P.Thorat for the respondents.

**CORAM : D.B.BHOSALE, J.**
**DATED : 31ST JULY, 2007.**

**P.C.:**

. Heard learned counsel for the parties.

2. By this writ petition, the petitioner has impugned an order passed by the Chief Officer M.B.R.& R Board, MHADA, Mumbai dated 18.11.2006. it is common ground that the impugned order has been passed by the competent authority in pursuance of the directions given by this court while disposing of Appeal from Order No.951 of 2005 with Civil Application No.1057 of 2005 vide order dated 21.12.2005. By this order the competent authority was directed to consider the case of the petitioner and pass appropriate orders consistent with its policy decisions within a period of four months from the date of the said order. In the meantime the possession of the petitioner was protected. It was further observed in paragraph 5 of the order dated

21.12.2005 that in the event a decision of the competent authority is adverse to the appellant then it would be open for the appellant to move the City Civil Court for further directions and/or relief and the trial Court shall decide the same uninfluenced by the observations contained in the impugned order. It is thus clear that the petitioner ought to have moved the City Civil Court for appropriate reliefs against the order impugned in the present petition and since that remedy is available I do not see any reason to entertain this petition. Keeping that remedy open to the petitioner this writ petition is disposed of.

3. All contentions in the petition are kept open for the parties to agitate before the City Civil Court in appropriate proceedings. The petitioner to move the City Civil Court within a period of three weeks from today. Ad-interim protection which runs in favour of the petitioner since 21st December, 2005 to remain operative for a period of three weeks from today. The City Civil Court shall pass appropriate orders in the proceedings that would be filed by the petitioner on merits in accordance with law. While granting liberty to the petitioner to file appropriate proceedings before the City Civil Court I shall not be understood to have examined merits of the case. With these observations the writ petition

is disposed of. It is needless to express that it would be open for the petitioner to apply for interim relief and even such a prayer will also have to be considered and decided on merits in accordance with law.

**(D.B.BHOSALE, J.)**